

AFFIDAVIT OF SPECIAL AGENT TODD RICHARDS

I, Todd Richards, being duly sworn, depose and state as follows:

I. INTRODUCTION

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI"). I am submitting this affidavit in support of the government's motion that RALPH F. DELEO be detained pending trial. RALPH F. DELEO; EDMOND KULESZA; FRANKLIN M. GOLDMAN; and GEORGE WYLIE THOMPSON, a/k/a "KARATE GEORGE", a/k/a "KG" (hereinafter collectively referred to as "the Defendants"), have been charged in recent indictments in federal court in Boston, Massachusetts, and Little Rock, Arkansas, with, *inter alia*, conspiracy to violate the Racketeer Influenced and Corrupt Organizations Act, as well as drug, and/or firearm violations. See United States v. Ralph F. DeLeo et al., Cr. No. 09-10391-DPW (D.Mass.); United States v. George Wylie Thompson and Ralph Francis DeLeo; Cr. No. 09-00305-JLH (E.D.Ark.); United States v. George Wylie Thompson et al.; Cr. No. 09-00265-WRW (E.D.Ark.).¹ The Defendants are also alleged to be members of a criminal organization, the "DeLeo Crew", whose members and associates engaged in the importation, trafficking, and distribution of cocaine and marijuana, extortion, loan sharking, and interstate and foreign travel in aid of racketeering, and which operated

¹ This affidavit is being filed in both jurisdictions in support of the government's motions for pretrial detention.

principally in the areas of Massachusetts, Arkansas, Rhode Island, New York, and Florida.

2. It is alleged that DELEO is a made member of and, throughout most of 2009, occupied the position of "street boss" of the Colombo Family of La Cosa Nostra ("LCN"). It is further alleged that DELEO's membership in, and leadership of, the Colombo Family facilitated the affairs of the enterprise and enhanced the ability of its members to make money by illegal means. Concurrently, DELEO used the criminal activities of the DeLeo Crew to increase and maintain his status in the Colombo Family, and to carry out and facilitate his responsibilities as the Colombo Family street boss.

3. I have been a Special Agent with the FBI for the past 21 years. From 1990 to 1997, I was assigned to the Bank Robbery Task Force/Violent Crimes Squad of the Boston Division of the FBI. In that capacity, I investigated bank robberies, armored car robberies, theft from interstate shipments, interstate transportation of stolen property, and firearms offenses. From 1997 to 2000, I was assigned to the Organized Crime Squad of the Boston Division, investigating the LCN, a criminal organization described further below, among other organizations. From 2001 to 2006, I was assigned to the Lowell Resident Agency, where I participated in investigations of various criminal offenses, including violent crime, organized crime and outlaw motorcycle

gangs. From late 2006 to 2008, I had a dual assignment as the Acting Supervisor for the High Intensity Drug Trafficking Area (HIDTA) Investigative Support Center (ISC) and the FBI's New England Regional Coordinator for the Organized Crime Drug Task Force. I was recently reassigned to the Organized Crime Squad of the Boston Division of the FBI where I am responsible for investigating the LCN.

4. Through my training and experience, I have become familiar with the structure and methods of operation of the criminal organization known as the LCN, including the LCN's hierarchy of positions, the tribute commonly paid to superiors in the organization, the variety of criminal offenses committed by LCN members and associates, the oath members take not to divulge the secrets of the organization, and the wariness of the organization toward informants, including the commitment to take violent action against those who cooperate with law enforcement in any way.

5. Since December 2008, I have been the Boston case agent on an investigation of the criminal activities of the DeLeo Crew and the Colombo Family of the LCN. The information contained in this affidavit is based upon my personal involvement in this investigation, conversations with other law enforcement officials, interviews of confidential sources, surveillance, and review of court records and other documents and information

related to this investigation. Because this affidavit is offered for the limited purposes of supporting the government's motion for pretrial detention, it does not contain all the information known to me regarding this investigation. Rather, this affidavit includes facts which I believe are relevant to issues under 18 U.S.C. § 3142 with respect to the Targets.

II. LA COSA NOSTRA AND THE COLOMBO FAMILY²

6. La Cosa Nostra ("LCN"), also known as the "Mafia", "This Thing of Ours" or "This Thing", is a secretive criminal organization which operates throughout the United States and Canada. The LCN has a rigid hierarchical structure and its own system of laws. The LCN is ruled on a national level by a Commission which is composed of heads of the most powerful Families. The LCN includes five New York families, the Bonnano, Colombo, Gambino, Genovese, and Lucchese families, each headed by a boss.

7. Each Family of the LCN has a boss or an acting boss. When the boss and acting boss of the Family are incarcerated, a Family may appoint a "street boss" who is the highest ranking, non-incarcerated member of the Family, to oversee all Family

² The descriptions of the LCN and the Colombo Family herein are based on my own knowledge from investigations and from talking with other agents. See also United States v. Orena, 32 F.3d 704 (2d Cir.1994)); United States v. Amato, 15 F.3d 230, 232(2d Cir.1994); Orena v. United States, 956 F.Supp. 1071 (E.D.N.Y. 1997); United States v. Sessa, 821 F.Supp. 870, 871-71 (E.D.N.Y. 1993).

operations. The street boss reports only to the boss or acting boss, acts as the head of the Family, and exercises the authority of the boss or acting boss. With respect to the Colombo Family, the boss, Carmine "the Snake" Persico, and acting boss, Alphonse "Allie Boy" Persico, are both incarcerated.

8. Each Family has a "consigliere" or counselor who acts as the advisor to the Family. The underboss, who is the second in command, assists the boss in running the Family and acts for him in his absence. Below the underboss are a number of "capos" or captains who supervise the illegal activities of members and associates within their "Regime" or Crew. "Soldiers" are "made" (formally inducted) members of the Family who report to the capos. In addition, the Family makes use of "associates" who, although not formally members of the LCN, perform necessary and helpful roles in the Family's criminal activities.

9. The Colombo Family is involved in a wide range of crimes including robbery, arson, insurance fraud, illegal gambling, extortion and drug dealing. The Colombo Family's structure is in line with that of the other members of the LCN. The Family's senior management consists of a boss, acting boss, street boss, an underboss, and a consigliere. The Family leadership governs its internal network of crews.

10. Each crew of the Colombo Family, like that of other families, is comprised of a capo and soldiers, both of which are

made members of the Family, and may also include associates who are not made members of the Family. Made members are those who have been formally sworn into the Family, while associates are individuals who may aspire to become made members. The crews typically carry out most of the Family's criminal activities, passing up much of the proceeds to the more senior members.

III. BACKGROUND OF THE INVESTIGATION

A. The Little Rock Connection

11. The investigation of the Deleo Crew began, in December 2008, with a court-authorized, FBI wiretap investigation of GEORGE WYLIE THOMPSON in Little Rock, Arkansas (the "Thompson Wiretap"). The Thompson Wiretap revealed that RALPH DELEO and THOMPSON conspired to have a third individual, John Doe #1, transport approximately two kilograms of cocaine from California to DELEO in Boston. John Doe #1 worked for THOMPSON. DELEO was the main investor in the deal and sent John Doe #1 \$50,000 in cash by Federal Express.

12. At about 4 p.m. on December 12, 2008, the Arkansas State Police conducted a traffic stop on John Doe #1 as he was driving on Interstate 40 between Little Rock and Memphis, Tennessee. John Doe #1 consented to a search of his car and officers seized 2,026 grams of cocaine from his car. Later that night, John Doe #1 called THOMPSON from prison, told him what had happened, and asked THOMPSON if he could bail him out. THOMPSON

then called DELEO and told DELEO what happened. These calls were intercepted over the Thompson Wiretap.

13. THOMPSON and DELEO had numerous recorded conversations over the Thompson Wiretap that night, and in the ensuing days, about John Doe #1's arrest and the seizure of the cocaine. For example, on the evening of December 12, 2008, THOMPSON called DELEO and said that he had talked with a bail bondsman for John Doe #1 and "what they did was a state trooper on the interstate, he pulled them over . . . and went and got the dog." DELEO then asked, "They got it?" THOMPSON responded, "Yep . . . well she knew exactly how much was there . . . she said 2.2 kilos." On December 14, 2008, DELEO called THOMPSON and, referring to John Doe #1's arrest, said: "I don't know if I can sleep tonight. That was devastating." THOMPSON responded, "Worse than fucking devastating."

14. On May 12, 2009, the FBI in Little Rock executed search warrants on several properties owned by THOMPSON. The searches resulted in the seizure of approximately 147 firearms, over 80,000 rounds of ammunition, and five illegal silencers. Shortly thereafter, THOMPSON fled the country. In addition to the federal charges in Boston, DELEO and THOMPSON have been indicted in Little Rock on drug charges, and THOMPSON has also been indicted in connection with the firearms, ammunition, and silencers, for conducting an illegal gambling business, and for

several fraud schemes. See United States v. George Wylie Thompson and Ralph Francis DeLeo; Cr. No. 09-00305-JLH; United States v. George Wylie Thompson et al.; Cr. No. 09-00265-WRW. John Doe #1 was charged by the State of Arkansas with possession with intent to deliver cocaine. John Doe #1 pled guilty and is currently serving a state sentence. As a result of the subsequent wiretap investigation involving DELEO's cell phone (DELEO and THOMPSON maintained telephone contact while THOMPSON was traveling abroad), THOMPSON was arrested in Bangkok, Thailand, in early November and returned to Little Rock to face the federal charges.³ On November 16, 2009, DELEO was arrested by the FBI in Somerville, Massachusetts, on the Arkansas federal arrest warrant and transported to Little Rock to face those charges.

B. DeLeo's Position in the Colombo Family

15. The Thompson Wiretap revealed that DELEO ran a criminal organization in the Boston-area (i.e., the DeLeo Crew). From January 2009 through his arrest in November 2009, Boston FBI maintained a court-authorized wiretap on DELEO's cell phone. During much of this time period, Boston FBI also maintained court-authorized wiretaps on the cell phones of two members of the DeLeo Crew, FRANKLIN GOLDMAN and EDMOND KULESZA, and also

³ The Boston investigation revealed that, while THOMPSON was a fugitive, DELEO and KULESZA assisted THOMPSON in attempting to obtain certain prescription drugs from the United States.

maintained court-authorized listening devices at two locations where members of the DeLeo Crew met to discuss their criminal activities. These three wiretaps, and the two tapped locations, are referred to collectively herein as the "DeLeo Crew Wiretaps".

16. As demonstrated below, the investigation of the DeLeo Crew revealed that, in late 2008 or early 2009, DELEO was elevated to the position of street boss of the Colombo Family of the LCN. Among other things, DELEO had numerous recorded conversations about this topic with his sister and others, and his leadership position was corroborated by surveilled meetings and recorded conversations he had with made members of the Colombo Family.⁴

1. The New York Trip

17. On January 31, 2009, DELEO traveled to New York to meet with MICHAEL FERRARA, and other Colombo Family criminal associates, to discuss various criminal ventures and to preside over meetings, including an apparent induction ceremony. Based on my investigation, I am aware that MICHAEL FERRARA is a member of the Colombo Family in New York. Throughout the course of this investigation, FERRARA was DELEO's principal Colombo Family point of contact in New York.

⁴ In addition, after DELEO's arrest on the Little Rock warrant, an individual close to DELEO advised that DELEO was the boss of the Colombo Family in New York.

18. On February 3, 2009, DELEO spoke by phone with his sister and described his trip to New York, saying, "I was doing a lot of running around in New York and it was kind of stressful you know. That was my ahh, one of my first days on the job." DELEO continued: "I had a lot of, well, that weekend was you know it was like ahh busy, busy weekend I had to meet people and ahh, ahh we had a couple of things going on that I had to reside [sic] over and I was ahh I was tired. It was like overwhelming a little bit" DELEO then elaborated:

I was eating all day. I started with meeting people for breakfast and right after breakfast I had to go meet somebody else at a restaurant at another end of town ahh then time I got back ahh I went over this fellow Mikey's house . . . you haven't met Mikey yet but Mikey's an old friend of mine and ahh I had ahh his wife was insisting that I had a little something there ahh then we had to meet some people and then we went out to dinner at 8 o'clock ahh to meet more guys alright and ahh that 8 o'clock dinner lasted til 1 o'clock in the morning and ahh my stomach I, I just had too much food I couldn't sleep and the next morning we had ahh a thing going on ahh and ahh I'll tell you about it when I see ya that was like ahh a ceremony . . . so ahh anyhow we had that ahh that going on that morning actually all day cause we had to go in different groups and different cars and make sure we weren't followed and all this type of stuff. . . . [S]o it was a big deal people picking us up here driving us there other people picking us up taking us somewhere else and all that type of stuff I wasn't ready for all that.⁵

⁵ Based on my knowledge of the investigation, I believe DELEO's reference to "Mikey" is a reference to Colombo Family member MICHAEL FERRARA.

19. In that February 3, 2009 recorded call with his sister, DELEO further described the type of attention he received on his trip to New York:

I wasn't use to that . . . it was kind of different. I was talking to a friend of mine here, and he said "how does it feel?" It feel . . . it's kind of like a little overwhelming you know cause it's you know . . . I don't . . . here I'm, I'm nothing like that; there everybody is holding the door for ya, helping on your coat, giving you hugs . . . kissing you and all this type of stuff, 'oh you gotta sit in front, you gotta do this, are you comfortable? Can I get you coffee?'

2. The Florida Trip

20. Beginning in late February 2009, DELEO had numerous recorded conversations with REYNOLDS MARAGNI and others about visiting MARAGNI in Miami. Based on the investigation, I am aware that MARAGNI is a member of the Colombo Family and a "capo" from the Miami area. DELEO traveled to Miami on February 27, 2009, and returned to the Boston area on March 2, 2009. The FBI conducted surveillance of DELEO while he was in Florida and observed DELEO meeting with MARAGNI and numerous other people at various locations.

21. On March 5, 2009, DELEO had a recorded cell phone conversation with his sister:

Florida was good. I, like saw my friends, you know they uh, you know uh, I know I can't uh hang out there, you know it's um. You know they would bring a lot of heat on me. You know. . . . Yeah 'cause they . . . they gave me a lot of attention, they gave me too much attention. You know, too many hugs, too many kisses. You know, holding the car door for me, holding doors for me, you know all that type of stuff. And, um, I'm

not into that type of stuff, I'm uh, you know, I'm a - at heart I'm a regular guy you know. Uh, you know to them I'm something else, but I'm really not that something else, I'm

22. When DELEO's sister asked if he took his girlfriend with him on the trip, he responded that he did not and that he was going to be "with the guys" and did not have time for anything else "because they were takin' me to meet people here and there and I didn't want to really expose her to that . . . that side of it, you know what I mean. You know I really didn't want to have her see guys doing that to me you know huggin' me, kissin' me and holdin' doors for me and all that type of stuff, it would get her nervous." DELEO said she "doesn't know but that . . . would be very suspicious to her." DELEO's sister agreed, "Oh yeah definitely." DELEO then said, "You know what I mean, 'cause they definitely act like Sopranos and then when they . . . the way they [pay] attention to me is you know, they would uh, you know she would suspect something."

23. DELEO went on to describe unsolicited attention he was getting from some "girls [who] know that these guys are like, are like, mobsters alright so they were thinking well, gee we all thought they were, why is he treatin' this guy special ya know?" When DELEO's sister asked if he trusted everyone around him, he responded:

Yeah, around there, yeah, well just, well actually I only talked to one guy down there and but he was introducing me to everybody else, but he introduced me

to ah, three or four guys that are under me down there, alright, they met, we met separately and then we had a party for guys that were their friends, alright, so we all got together like in a private type set and made our introductions and stuff like that and so, there is only maybe four guys down there that are I consider like me, alright, and, and that was that, but they have a lot of guys around them like associates, alright So I didn't talk to any of the associates, I just said hi, how are you, all that type of stuff, but, you know, what I didn't like I kinda got the feeling that the associates knew who I was So, kind of got me, just food for thought, I just gotta watch it a little bit because I don't want that coming up.

DELEO then indicated his agreement with his sister's comment that "their exposure can . . . bring any just . . . suspicion or something more."⁶

C. The Investigation of the DeLeo Crew

24. The investigation of the DeLeo Crew revealed that the organization is involved in a variety of criminal activities, including trafficking of cocaine and marijuana, loan sharking, robbery, and extortion. The investigation revealed that DeLeo is the leader of the crew and that he meets with or talks with his two top lieutenants, GOLDMAN and KULESZA, on a daily basis, and that THOMPSON facilitates drug and firearm deals, and supplies the group with firearms and ammunition. KULESZA also serves as an enforcer for the group.

⁶ Based on my training and experience, I believe this conversation was a reference to the fact that LCN associates have not been inducted into the family and have not sworn an oath of "omerta", and therefore generally cannot necessarily be trusted to keep silent like LCN members.

25. The investigation revealed that, during the Fall of 2009, the DeLeo Crew was using DELEO's Colombo Family contacts to facilitate a plan to import several hundred pounds of marijuana from Canada, and that DELEO traveled to Montreal to further that deal. This deal was disrupted when DELEO was arrested on the Arkansas warrant in November 2009.

26. The investigation also revealed that, in the Summer and Fall of 2009, a Boston-area businessman (John Doe #2) sought GOLDMAN's assistance to deliver a beating to the advisor of a potential purchaser of John Doe #2's business to keep the potential purchaser from backing out of the deal. GOLDMAN brought the proposal to DELEO and KULESZA, and they agreed that KULESZA would administer the beating. KULESZA was provided with a picture of the intended victim, and visited both the intended victim's office and home to determine the optimum location for the encounter.

27. The investigation also revealed that DELEO provided a loanshark loan to a Boston-area businessman (John Doe #3) who was making weekly payments to DELEO. When John Doe #3 became late on his payments, DELEO obtained his home address and DELEO and GOLDMAN drove to John Doe #3's home to threaten or beat him. Concerned for the safety of John Doe #3, I and other agents contacted local law enforcement officials who intercepted DELEO and GOLDMAN under the ruse that they were investigating a series

of home break-ins.

IV. THE DEFENDANTS

A. RALPH F. DELEO

28. As noted, for much of 2009, RALPH DELEO was the street boss of the Colombo Family of LCN. According to criminal history records and other sources, in 1976, DELEO was convicted of armed robbery and kidnapping in Suffolk Superior Court and sentenced to state prison in Walpole. He escaped in 1977. In March 1978, DELEO was arrested in Columbus, Ohio, under a different name, while trying to rob a bank. DELEO allegedly used a hand grenade and a pistol to take the bank manager hostage. DELEO was shot by the police and captured in a stolen Mercedes a short distance from the bank wearing a wig and a false beard. He subsequently pled guilty to bank robbery.

29. In 1978, while in custody on the bank robbery charge, DELEO pled guilty to the murder of Dr. Walter Bond in Columbus, Ohio, and was sentenced to 15 years to life in prison. DELEO also has convictions for armed robbery, possession of burglarious tools, possession of a dangerous weapon, larceny of a motor vehicle, and knowingly receiving stolen property (1971); bank robbery (1970); robbery (1969); and possession of burglarious tools and larceny (1968). DELEO was released from federal prison in 1997.

1. The Search of DELEO's Residence

30. On November 16, 2009, a federal search warrant was executed at DELEO's residence at 17 Russell Street, Apartment 9 (Basement), Somerville, MA. During the search of DELEO's residence, I and others seized, among other things: approximately \$50,000 in cash; a disguise kit, including wigs, masks, and rubber finger tip covers used to conceal fingerprints; approximately an ounce of a white substance believed to be an illegal narcotic such as heroin (it field tested negative for cocaine and was sent to the DEA laboratory for further testing); drug trafficking paraphernalia, including a scale, plastic ziplock baggies (one of which contained white powder residue), and Inositol (a common powder used to "cut" illegal narcotics); two garottes, commonly used for strangulation; two police scanners; a .45 caliber Model 1911, replica air pistol; two Rolex watches; and a book titled "On Killing", which appears to examine the psychological impact of killing another person. A photograph of the two garottes is attached as Exhibit A.

2. The Search of DELEO's Warehouse Storage Box

31. On December 3, 2009, a federal search warrant was executed at a warehouse area used by DELEO in Watertown, Massachusetts. During the search of DELEO's storage unit, I and others seized, from a box secured by two padlocks and a third lock, among other things: eleven firearms, including a semi-

automatic machine pistol; a pistol grip shotgun; a .22 caliber rifle with scope; several handguns; at least one silencer; several holsters; several hundred rounds of ammunition for the seized firearms and others; three rubber masks; two wigs; arm patches for police departments and other organizations; a police uniform cap; a blue "POLICE" t-shirt; a "POLICE" rain slicker; an orange "POLICE" traffic vest; a black Airborne Express hat; an Airborne Express short sleeved polo shirt; a black Airborne Express windbreaker; two bullet proof vests; a black tactical belt; a Boston Municipal Police Office badge; one pack of 24 inch cable ties and one pack of 14 inch cable ties (commonly used by robbers to secure the hands and feet of victims); bear pepper mace; and several pairs of latex gloves and black cloth gloves. Two photographs of some of the items seized from the storage unit are attached hereto as Exhibits B and C.

B. FRANKLIN M. GOLDMAN

32. According to criminal history records, FRANKLIN M. GOLDMAN has convictions for conspiracy to distribute cocaine (Boston federal, 1993); armed robbery (1976); distribution of controlled substances (Boston federal, 1971); and larceny (1969). GOLDMAN's criminal association with DELEO dates back at least to the 1970's, when they were both associates of the Patriarca Family of LCN (now called the New England Family or "NELCN").

33. In 1993, GOLDMAN was convicted in federal court in Boston of conspiracy to distribute cocaine and possession of cocaine with intent to distribute, and sentenced as a career offender to 262 months in prison. See *United States v. Goldman*, Cr. No. 92-10229-MLW. In 2008, the district court granted GOLDMAN's petition under 28 U.S.C. § 2241, finding that GOLDMAN established by clear and convincing evidence his actual innocence for a 1977 kidnaping and attempted extortion which formed one of the predicates for his 1993 career offender sentence. See *Goldman v. Winn*, 565 F.Supp.2d 200 (D.Mass.2008).

34. GOLDMAN was re-sentenced to time served with a 96-month term of supervised release. The new exculpatory evidence upon which the court based its decision included testimony by RALPH DELEO that he, rather than GOLDMAN, had been the third person involved in the 1977 kidnaping and attempted extortion which led to GOLDMAN's conviction. See *Goldman v. Winn*, 565 F.Supp.2d at 238-40. DELEO also testified that he and GOLDMAN were no longer close and had barely spoken since the 1970s.

35. Since his release from federal custody in 2008, and throughout the duration of the investigation, GOLDMAN has been one of DELEO's closest confidants, meeting with him on a regular basis to discuss ongoing criminal activities despite the fact

that GOLDMAN was on supervised release.⁷

C. EDMOND KULESZA

36. Throughout the investigation, KULESZA served as DELEO's right-hand man, delivering messages to and from DELEO, and serving as the DeLeo Crew's enforcer.

D. GEORGE WYLIE THOMPSON

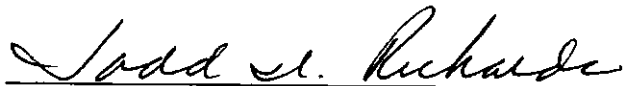
37. According to criminal history records, THOMPSON has been convicted of the following offenses: Uniform Controlled Substance Act and Simultaneous Possession of Drugs and Firearms violation (2003); Conspiracy to Distribute Cocaine (1989); Battery 2nd Degree (1993); and Domestic Battery 3rd Degree (2001). THOMPSON was indicted in federal court in Little Rock, Arkansas earlier this year on cocaine trafficking charges, and various charges relating to the seizures of firearms, ammunition, and silencers, and for conducting an illegal gambling business and for fraud. As previously noted, on May 12, 2009, the FBI in Little Rock executed search warrants on several properties owned by THOMPSON. The searches resulted in the seizure of approximately 147 firearms, over 80,000 rounds of ammunition, and five illegal silencers. A photograph of the firearms seized on May 12, 2009, is attached hereto as Exhibit D.

⁷ GOLDMAN was charged in United States v. Ralph F. DeLeo et al., Cr. No. 09-10391-DPW, and agreed to voluntary pretrial detention without prejudice.

IV. CONCLUSION

38. Based on the foregoing, I believe that there is no condition or combination of conditions for RALPH F. DELEO that will reasonably assure the safety of any other person and the community, or the appearance of the defendants as required.

Signed under the pain and penalties of perjury this 13th day of January 2010.

A handwritten signature in cursive script, reading "Todd M. Richards", is written over a horizontal line.

TODD RICHARDS
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION